

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/851,200	05/05/97	NOVOSEL	M P97.1046

HILL STEADMAN & SIMPSON
85TH FLOOR SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO IL 60606

LM61/0506

EXAMINER

SMITS, T	ART UNIT	PAPER NUMBER
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2741
DATE MAILED:

05/06/98

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of Allowability

Application No. 08/851,200	Applicant(s) Michael J. Novosel, et al.
Examiner Talivaldis Ivars Smits	Group Art Unit 2741

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

This communication is responsive to Amendment, filed Apr. 16, 1998, and Prop. Drawing Corr., rec. April 28, 1998

The allowed claim(s) is/are 1-20

The drawings filed on _____ are acceptable.

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

Applicant MUST submit NEW FORMAL DRAWINGS

because the originally filed drawings were declared by applicant to be informal.

including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 4.

including changes required by the proposed drawing correction filed on Apr 28, 1998, which has been approved by the examiner.

including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152
- Interview Summary, PTO-413
- Examiner's Amendment/Comment
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Examiner's Statement of Reasons for Allowance

DETAILED ACTION

Response to Amendment

1. In response to the Ex Parte Quayle Office Action mailed February 13, 1998, applicants have submitted an Amendment, filed April 16, 1998, amending the Abstract, Specification and title of invention, as well as claims 1, 3, and 12, without adding new matter, and have proposed a correction to the drawings of Figures 8 and 9, received April 28, 1998. This has placed the application in position for allowance, for reasons given below under **Allowable Subject Matter**.

Drawings

2. The proposed drawing corrections of Figures 8 and 9, replacing the IC label of "LM 386" by --LM 386N--, filed on April 28, 1998, have been approved.

Allowable Subject Matter

3. Claims 1-20 are allowed. The following is an examiner's statement of reasons for allowance:

As per the revised sole independent claim 1, it recites storing at predetermined addresses in a sound memory contained in a model train a plurality of sound effects, controlled by an integrated analog-sound/motor/special-effects controller which uses bi-polar digital signal packets to, *inter alia*, recall for playback said analog sounds effects from said memory in a predetermined

or a random sequence, when the corresponding digital packet triggers its sound effect. The prior art of record, including the National Model Railroad Association's Digital Command Control (DCC) Standards and Recommended Practices, and Severson *et al.*'s newly cited U.S. Patent 5,773,939, do not teach or suggest using the known DCC bi-polar digital signal packets for controlling the playback of a predetermined or random sound effect *sequence* from (a sequence) of *predetermined addresses* in a sound memory on board a model train. Thus, claim 1 is allowable.

Since the dependent claims 2-20 further limit independent claim 1 or their parent claims, they are allowable also. Thus, all pending claims (claims 1-20) are allowable.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Frederick E. Severson *et al.* (U.S. Patent 5,773,939, filed June 7, 1995) discloses using a Digital Command Control word for controlling, *inter alia*, a sound effect.

6. The application having been allowed, formal drawings, incorporating the approved corrections, are required in response to this Office Action, and must be filed within the THREE MONTH shortened statutory period set for reply in the "NOTICE OF ALLOWABILITY" (PTOL-37 or PTO-37). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). Failure to timely submit the drawings will result in **ABANDONMENT** of the application.

The drawings should be submitted as a separate paper with a transmittal letter which is addressed to the Official Draftsperson. The art unit number, application number and number of drawing sheets should be written on the reverse side of the drawings.

7. **Any response to this allowance should be mailed to:**

Box Issue Fee

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or FAXed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

or:

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication should be directed to the examiner, Talivaldis Ivars Smits, whose telephone number is (703) 306-3011. The examiner can normally be reached Mondays-Fridays from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth, can be reached on (703) 308-4825. The facsimile phone number for this Art Unit is (703) 305-9508. With the consolidation into Technology Center 2700, effective November 16, 1997, the former Art Unit 2308 has become **Art Unit 2741**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist, whose telephone number is (703) 305-3900.

Dr. Talivaldis Ivars Smits
Patent Examiner
Art Unit 2741
May 5, 1998

Talivaldis Ivars Smits
DAVID R. HUDSPETH
SUPERVISORY PATENT EXAMINER
GROUP 2700



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

LM61/0506

HILL STEADMAN & SIMPSON
85TH FLOOR SEARS TOWER
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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/851,200	05/05/97	020	SMITS, T	2741 05/06/98
First Named Applicant	NUVOSEL, MICHAEL J.			

TITLE OF INVENTION: SOUND RECORDING AND REPRODUCTION SYSTEM FOR MODEL TRAIN USING INTEGRATED DIGITAL COMMAND CONTROL (AS AMENDED)

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
2 P97.1046	704-272.000	D76	UTILITY	YES	\$660.00	05/05/98

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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